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ABSTRACT

The first of these speeches, "The Trustee: An Endangered Species," recounts current challenges facing community college trusteeship, including enrollment ceilings, faculty unionism, state super-boards, and financial disclosure laws. The traditional role of the trustee was not designed to meet these and other current threats to the community college and to local board control. Trustees are urged to become political activists, and initiate defensive action through the legislative and political process. The second speech, "The Challenge to Presidential Authority," urges community college presidents and trustees to team together as a political force to fight the enactment of a federal public employees collective bargaining law, which is presently under consideration by the Congress. The states should have the right to refrain from or to enact collective bargaining laws, and to experiment, amend, or rewrite such laws to meet their own needs. (BB)

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ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

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Speaking Out!

TWO SPEECHES PRESENTED BY:

WILLIAM H. MEARDY

EXECUTIVE DIRECTOR, ACCT

MAY 20, 1976

"THE TRUSTEE: AN ENDANGERED SPECIES"

MAY 25, 1976

"THE CHALLENGE TO PRESIDENTIAL AUTHORITY"

"THE TRUSTEE. AN ENDANGERED SPECIES"

Kalamazoo, Michigan

May 20, 1976

Welcome to Michigan, ladies and gentlemen. And to you "Michiganders" may I say for we "Out-of-Staters" that we are pleased to be here.

We are especially pleased at the timing of our visit. I understand that next Sunday Evel Knievel is going to become the Bicentennial's first daredevil. He is going to dress up like Paul Revere, get into a Datsun, and drive through the streets of Detroit yelling, "The Recession is over! The Recession is over!"

As you well know, "trusteeship" has often been defined as that of holding a public trust or of being responsible for a charter. Trustees are the guardians of the realm and the protectors of the taxpayer's investment. In other words, you are the watchdogs of the institution. You act as a court of last resort. You have a reputation of acting cautiously and wisely and you are oriented to the needs of students.

Today, it is a proven fact that perhaps you have done too good a job as a trustee. Your enrollments have gone up nationally 19%. Because of your success some of the open doors to your institutions are threatened with closure.

One member of a state higher education coordinating Board has been reported to have said, "Your success is going to ruin us". I think that he was referring to state financial ruin.

The Connecticut Community College System increased its enrollment by 25% last spring. Some of their open doors actually slammed shut. In most instances this was because of a lack of both space and financial support.

The governor of California has mandated a 105% cap next year on financial assistance to that state's 102 community colleges. While the governor is not closing the open door, the effect may be the same unless additional resources are forthcoming from local, state and/or federal sources.

The Florida state legislature has refused to allocate any additional monies to their community colleges this year over that of last year. Additionally, they have frozen community college salaries at their present level.

Everywhere I go, in state after state, the story is the same. Financial constraints are great and prospects for relief seem bleak indeed.

There are other challenges facing trustees today and these will affect your traditional role as a respected servant of the people. I would like to review just seven of these challenges with you.

1. Unions are hard at work trying to convince state legislators and Congress, that public employee collective bargaining laws are in the interest of the public and are of a benefit to the educational system.

If the unions are successful in getting Congress to pass such laws then all 50 states will be straddled with a public employee collective bargaining law whether you or your state legislature wants it or not. And, you will have no opportunity to change that law if the federal law fails to work to the benefit of your institutions.

2. Boards are tending to become more political. Politically appointed boards are finding that they owe allegiance to the appointing authority and find that they must "deliver" in some cases even though facts determined at the local level warrant otherwise.

~~On the other hand, some trustees elected on partisan political ballots owe allegiance to the party platform in spite of learning that local institutional needs might dictate differently. We do not say that this is true in your case. We only say that we detect that the winds of change are blowing and that they may indeed be headed your way.~~

3. From its original inception, I have held fears that the 1202 State Commissions might tend to become super boards. Or, that states would establish super boards using the excuse that there is too much duplication and waste with local policy-making boards. Local boards are the kinds of boards that are found in most states.

~~We are fearful that instead of being designed to meet local citizen educational needs, super boards will soon lose sight of their original and laudable objectives and pass rules and regulations that perpetuate their own bureaucracy.~~

4. "Sunshine Laws", in some instances, are so restrictive that four trustees from a board of seven find that it is illegal to even play bridge together because they constitute a quorum. Such doubtfulness on the integrity of our lay citizens preclude a good number of qualified people from rendering their services to society.

5. Likewise, "financial disclosure laws" were not designed to dissuade the dedicated lay individual but indeed do just that, and tend to reduce both the quantity and the quality of trustees. While there may be isolated instances of trustee abuse of the public's trust, they are not numerous enough to warrant the over-reaction of the would-be alarmists. Trustees already devote time, energy and talent mostly free of charge. They can hardly condone disclosing their financial assets, which is entirely a private matter and of no business to the general public. A conflict of interest on the part of trustees can be handled by using less stringent methods.

6. While writing this paper we received a phone call from Dr. Amo DeBernardis, President, Portland Community College in Oregon. Without knowledge of what I was doing, he volunteered the information that Oregon colleges, and for that matter, the entire nation, were being strangled with bureaucratic forms. We are simply emphasizing here that more state control and more federal control results in less local control plus higher overhead.

7. The Endress Vs. Brookdale Community College case poses a special threat. Mrs. Endress, the journalism adviser at the college, was fired from her job. She successfully sued and won her case based on lack of due process and freedom of speech. Each trustee who had voted to dismiss her was assessed \$10,000 in punitive damages.

ACCT has joined in an amicus brief that requests the courts to rescind the fines on the trustees since there was no malice aforethought on the part of the board. If these assessed damages are allowed to stand then it portends grave consequences for the future of trusteeship in America. The case would be quoted in countless other states.

The traditional role of the trustee was not designed to meet these changing conditions, challenges, threats.

At the same time it is relevant to talk in terms of pessimism or optimism. As futurist Robert Theobald says, "Optimism implies that there are no serious negative forces impinging on our society. On the other hand, pessimism implies that there are no ways in which moral and intelligent leadership can affect present trends". He and I both suggest that trustees strive for a new understanding of ways in which you can combat the negative winds of change and adopt the positive action positions that better support your institutions.

You trustees cannot do this by adhering to the traditional role of the trustee. That role included too much of the practice of "reacting" to what happens instead of causing an "action" to happen.

My wife counsels me that perhaps I should not use the word "militant" in describing what must become the new trustee of America's third century. I considered that advice and after some diligent research and deliberation I concluded that that is exactly the word that ought to fit the new trustee.

Ladies and gentlemen, let us face the fact that you are at "war". You are struggling with a state and a national economy that gives to your institutions an increasing amount of revenues at a decreasing rate in a period of increasing need. You are fighting a losing battle with bureaucratic red tape. You are losing local control to state and federal control. You are facing, or may in the future face, militant faculties who would like to control your institutions. And faculties are told that they can acquire this control at the bargaining table.

Until very recently it was thought impossible that the historic and obviously successful open door policy could ever be changed or endangered. Now you can see that it has changed and could come home to haunt each and every one of you.

That door can close unless local, state and national priorities are altered in perspective. And, that is where your political clout ought to be brought to bear.

If that open door closes, even slightly, it will affect the disabled, the disadvantaged, minorities, women, senior citizens and those persons in need of retraining or upgrading. These are the very people who have become the latest

recipients of the services rendered by your institutions. These are the people who changed the typical 18-21 year old community college student to that with the average age of 27-30. You can see why we now speak of the community college concept as a "lifelong learning opportunity". Just think what that means in terms of the scope of the services you are rendering to your community.

Ladies and gentlemen, we submit that trusteeship today is more than a trust.

- Trusteeship today is an obligation to lead!
- Trusteeship today is a charge to action!

Yes, I do call it trustee militancy! You can call it whatever you like, but you trustees must start initiating action. Exert leadership or you will continue to abandon leadership in your state and you will continue to react in an always defensive posture.

Dr. Edmund J. Gleazer, speaking last fall to the AACJC Federal Affairs Workshop, said, "we need to make a case". He is inferring that we have failed to make a case to our state legislatures and Congress. And he is correct. It is not where you start to make your case, it is where you finish. And you must finish on top! You must win the public relations battle.

You currently have 4.3 million supporters to your cause. They are called "community college students". Ninety-nine percent of them are eligible to vote. You have millions of alumni. Nearly all are eligible to vote--but, like you, they are unorganized. Like a powerful waterfall, they await your harnessing! Properly generated they are potentially a powerful political force.

You trustees are no different. Potentially, trustees, properly organized at the state level and again nationally, can become one of the most potent political forces in this country--but today, sadly, that is not the case. Trustees are not political activists--but you can become more than just a holder of a trust if you have the will and the determination. We simply follow a precept that smallness multiplied will represent the greatest potential of all.

All of you--businessmen and women, housewives, industrialists, professionals--are going to have to make up your minds to become more involved in legislation and politics for the simple reason that legislation and politics are becoming more involved in your businesses.

You must decide to learn what is going on and to contact your state and federal legislators and give them your views pro or con. If you do not, you will scratch your heads later on and wonder "what happened?"

It is not enough to note that many of us are attempting to fix the blame on someone when not enough of us are attempting to fix the trouble.

You trustees, must continue the protection of that which you so ably helped your educators and faculties create--the greatest educational concept this world has ever seen. The open door community colleges and technical institutes

and the millions of students yet to be served deserve no less than your best efforts.

The first thing you have to do is to decide what it is that you want to do as an individual, as a board and as a state organization.

Once decided on a list of priorities then you must become obsessed with the desire to achieve those goals. Then, let nothing stand in your way of victory.

As the saying goes, nothing worth achieving is ever easy.

In conclusion, may I leave with you these few thoughts to consider?

As we celebrate America's Bicentennial, and the jubilee anniversary of the birth of community colleges, you must renew your faith; you must exert your leadership and you must recommit yourself to a winning policy.

As our forefathers did 200 years ago, you trustees must renew your determination.

As our colonial leaders sounded the call to arms 200 years ago, today you must do the same.

And ladies and gentlemen,

if you do,

let us say that it started today,

in this state,

in this city,

in this room,

by you trustees.

"THE CHALLENGE TO PRESIDENTIAL AUTHORITY"

Austin, Texas

May 25, 1976

Good afternoon!

Thank you for allowing Mr. Patterson and me the privilege of meeting with you. Being here in Texas brings an added benefit to those of us from Washington, D.C. As Will Rogers once said, "The further I get from Washington, the more hope I get for the future".

It is very discouraging for those of us whose backgrounds support the concept of state and local control to watch helplessly the efforts of those in Washington, D.C. who espouse the concept of federal control.

However, we are not so discouraged that we will turn up our heels and refuse to fight. Quite the contrary--we are meeting with you today to suggest that the "South should rise once again". That once again the central issue should be "states' rights vs. federal control".

Just as surely as you are sitting here today, if the South does not organize, does not fight today, then local control as you now know it will be gone tomorrow.

The central issue as viewed by ACCT is neither pro-union nor anti-union. We simply believe that whether a state desires to allow public employees to bargain collectively or to deny them that right (and for good reasons) is a right of that individual state and should not be jammed down the throats of Texans by a federal congress who believes that "Big Daddy" in Washington, D.C. knows what is best for you.

ACCT is the only national two-year or four-year postsecondary association in the country that is totally management-oriented as regards community/junior colleges and technical institutes. We believe that it is our duty to sound the warning cry of what is going on in your nation's capital, to assess your willingness to do something about the situation and to help you to organize for effective counter-action.

Obviously, the first step is to inform you and to keep you informed as to what has happened, to apprise you of the current mood of Congress and to monitor the system in order to help you to marshal opposition for effective counter-action.

We do not believe that presidents alone can do as effective a job as can the combined strength of both the presidents and the trustees. Combined together for organized effectiveness, we believe that the president/trustee team presents a political force of unimagined effectiveness in this state and the country. Unions organize for effective action--why shouldn't you?

Unorganized you will see local control transferred from you and your boards to union contracts. While we refrain from using the word "inevitable", we can nevertheless present a rather convincing case for that possibility unless we make a stand..

The N.E.A., the A.A.U.P. and the A.F.T. have set up a hue and cry that the states have had fifteen years to experiment with public employee collective bargaining. They rightfully claim that the result has become, and is, a "mishmash" of meet and confer and collective bargaining laws. Our response to that is "Hooray for mishmash!".

We support the right of individual states to refrain from considering collective bargaining laws. We do not agree with the unions that collective bargaining in the private business/industrial sector is like that in the public employee sector. If General Motors goes on strike, you can purchase a Ford or a Chrysler. If A & P goes on strike you can go to Safeway Food Stores-- but, if your city police go on strike (as they did a few months ago in San Francisco) where do you go for a police force? If city garbage employees go on strike, who removes your garbage? If your city hospital nurses and doctors go on strike, who cares for the sick and injured? If your teachers go on strike, who teaches your students?

It has been reported that Congressman Frank Thompson (NJ) was heard to remark, "I don't care which 180 days the students go to school. The teachers can strike all winter and the students can go to school all summer. It is the teachers who are important".

We say that the individual states should be allowed to continue to refrain from considering such laws, or if they do pass collective bargaining laws, that they should be allowed to experiment, to amend, to rewrite, or to throw out any law pertaining to public employee rights that best fits the needs of that state. That freedom, that choice, that right of the individual states would be removed if the unions and Congress have their way.

We have heard that unions poured millions of dollars into the campaign funds of pro-union congressmen and senators a year ago last November. Coupled with the backlash of Watergate, they were eminently successful. So successful were they that they fully intend to repeat that success next November. The day of reckoning will come when the unions decide to cash in their I.O.U's. Those congressmen will be obligated to try to pass a federal public employee collective bargaining law.

Two bills have already been introduced and hearings have been under way this past winter. The bills are as follows:

- I) H.R. 77 - This bill would extend to all public employees the same rights, privileges, obligations, protections, and prohibitions that now exist in the private sector now covered in Section 2 of the National Labor Relations Act. Read Section 2 of N.L.R.A. and you can see what this means

II) H.R. 1488 - This is called the "National Public Employee Relations Act". This act provides for the following:

- 1) All employees shall have the right to organize and bargain collectively, and
- 2) to negotiate the terms and conditions of their employment for their mutual aid or protection and to be represented by a labor organization.
- 3) Dues check off--the college would deduct from the pay of such employees money in payment of membership dues in a labor organization.
- 4) Only the union has the right to appeal to the Commission if it feels that a free and untrammeled election cannot be conducted because of the employer's unfair labor practices..
- 5) This bill allows for the collective bargaining agreement to contain a grievance procedure culminating in final and binding arbitration of unresolved grievances. There goes the power of the college president.
- 6) An entirely new federal bureaucracy is created in the form of a National Public Employee Relations Commission--which may hire employees.
- 7) This "Act shall supersede all previous statutes concerning this subject matter and shall preempt all contrary local ordinances, executive orders, legislation, rules, or regulations adopted by any state or any of its political subdivisions or agents such as a personnel board or civil service commission".

If either of these bills should be amended to provide for binding arbitration of salary disputes then the power of settling the tax rate would be effectively removed from the people and placed into the union contract. The local and/or the state taxing authority would have no choice but to set a tax rate sufficiently high enough to support the contract salary provisions.

As I read them, neither bill provides for the right to strike. But neither did I read any prohibition against the strike. Anyway, the track record of collective bargaining has shown that where provisions against strikes exist or do not exist--strikes occur anyway.

What can you do? First of all, quiz your own senators and congressmen. Obtain an analysis from them about the situation and these two bills. Let your senators and congressmen know what your feelings are concerning the situation. Keep abreast of new legislation that will be introduced next fall after the November elections. Know today that Governor Carter has promised that if elected president and if a collective bargaining bill is passed by Congress, he will sign it. If you doubt my report--ask him!

Additionally, help ACCT to better educate your boards of trustees. We promise you faithfully that one of ACCT's prime objectives is to strengthen the role of the college presidency through better education of lay trustees. Trustees have neither the time nor the expertise to administer your institutions. That is why they hired you. When a board or an individual trustee crosses that thin line between policy making and policy implementation, then it becomes our responsibility to help you to resolve that situation through better board education.

I warn you that if the South does not rise again, you will be looking down the barrel of a "union gun". That gun is called a "union contract".

You and your lay boards have all of the control. A union contract can only erode away that which you presently have.

If I have come on a bit strong today, I apologize. There are many disadvantages to living in Washington, D.C. - but there is one definite advantage and that is that sometimes we can see things developing that perhaps are not so clear to you at the local level.

It has been said before that the best defense is an effective offense. As I admonished trustees in Kalamazoo, Michigan last week, you presidents must start "acting" instead of "reacting".

And if you do,

let us say that the offensive,

began in Texas,

in this city,

in this hotel,

in this room,

by you Texas presidents!

UNIVERSITY OF CALIF.
LOS ANGELES

AUG 27 1976

CLEARINGHOUSE FOR
JUNIOR COLLEGES